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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,770	05/01/2002	Lars Guntveit	1935-00088	1862

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/019,770

Applicant(s)

GUNTVEIT ET AL.

Examiner

Naschica S Morrison

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/1/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for serial number 10/019,770, A Device for a Pawn Automat for Bottles and Boxes, filed on May 1, 2002. Claims 1-4 are pending.

Specification

The disclosure is objected to because of the following informalities: on page 1: on line 4, "by" should be --for--; on line 8 "behind, handling" should be --behind; handles --; on line 12 "Said" should be --The--; on line 13 delete ",", after "machines"; on page 2: on line 7 delete "that the" before "emptying" and delete "of"; on line 8 insert --and-- after "cans"; on line 19 "said" should be --the--; on line 22 "Claim 1" should be --Figure 1--; on line 26 delete "within" and insert --,-- after "fixtures"; on line 27, "bends," should be --bends; within the reverse vending machine--; on page 3: on line 2 delete ",", after "channel" and insert --the reverse vending machine-- after "within"; on page 4: on line 6 delete " , Fig. 3," should be -- (Fig. 3)--; on line 18 "22 this" should be --22 of the--; on line 27 "involved," should be --involved;--. Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: on line 1, "by" should be --for--; on line 2, "cans," should be --cans is--; on lines 4, 6, and 16, delete "14," after "("; on line 6, insert --is-- before "in the form"; on line 7, delete "is" before "formed"; on line 10, "an cans" should be --and cans--; on line 11, delete "etc." after "pipework" and insert --the reverse vending machine-- after "within"; on line 15, "their

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insertion" should be --being inserted--; on line 19 delete "in" after "within". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the drain opening" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,671,666 to Wenglar in view of U.S. Patent 2,569,828 to Peacock et al. (Peacock). Regarding claim 1, Wenglar discloses a device comprising: a front portion of a reverse vending machine (10) being a front cover (16) formed to be secure independently of the internal bottle/can handling device and other apparatuses (22, 24

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generally) of the reverse vending machine; the front cover (16) including a feed opening (17), for bottle and cans, being without fixed connection to pipework (40) within the reverse vending machine; and a corresponding opening (beyond 17 generally) positioned within the internal bottle/can handling device of the reverse vending machine. Wenglar does not teach the front cover (16) including a drain opening. Peacock discloses a housing (Fig. 1 generally) comprising a front cover (formed of 48 and 51) having a feed opening for receiving bottles (50) and including a drain opening (53) beneath the feed opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the front cover (16) to include a drain opening below the feed opening because one would have been motivated to provide a means for drainage as taught by Peacock (col. 3, lines 17-23).

Allowable Subject Matter

Claims 2-4 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Reasons for indicating allowable subject matter: although the prior art of record discloses many of the limitations of the claims, it fails to further teach or suggest the drain opening forming an upward open bowl that has an opening at the rear side of the front cover ending in a drain pipe socket.


Conclusion

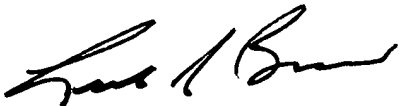
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 649851 to Levine; 2520380 to Wegman; 2592394 to Cochran; 3856676 to Grimme, Jr. et al; 4953682 to Helbawi; 4989507 to Rhoades et al; 5239920 to Schuff et al; 5469783 to Fry; 5704558 to Arrott; DE 4318388 to Stiefel et al

The above references disclose drains and/or vending apparatuses relevant to applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325


Naschica S. Morrison
Patent Examiner
Art Unit 3632
3/13/03


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER